

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMPIRE ENTERTAINMENT, INC. and :
INDUSTRIAL ARTIST MANAGEMENT, INC., :

Plaintiffs, :

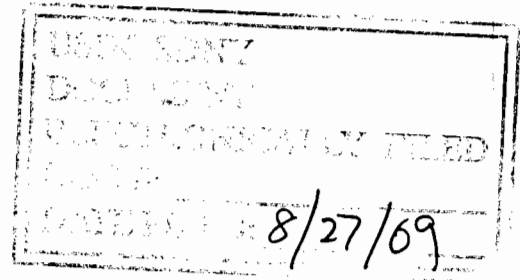
-against- :

PETER B. BAILEY, MATTHEW KENDALL, :
ED ASTON, EMILY FOX, and THE PETER :
BAILEY COMPANY LLC, :

Defendants. :
----- X

ORDER DISMISSING MOTION

09 Civ. 2334 (AKH)



ALVIN K. HELLERSTEIN, U.S.D.J.:

On April 2, 2009, Defendants filed a motion to dismiss, through their counsel Robert Lillienstein. On April 28, 2009, the parties stipulated to a temporary cessation of the litigation, so as to pursue settlement discussions. On July 8, 2009, I granted a motion brought by Lillienstein to withdraw as counsel. I have received no further submissions or requests regarding the motion to dismiss.

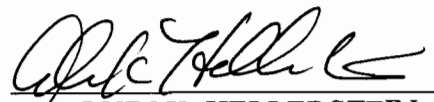
Accordingly, I deny the motion without prejudice for failure to prosecute.

Fed. R. Civ. Pro. 41(b).

The Clerk shall mark the motion (Doc. No. 21) as terminated.

SO ORDERED.

Dated: New York, New York
August 27, 2009


ALVIN K. HELLERSTEIN
United States District Judge